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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2005 64234

GAIL BARRIE NILES, P.T.
783 Azure Hills Drive
Simi Valley, California 93065

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Physical Therapist License No. No. PT 5239,
Respondent.

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Physical Therapy Board of California ("Board"), the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

PARTIES

1. Steven K. Hartzell ("Complainant") is the Executive Officer of the Board. He brought this action solely in his official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by Chris Leong, Deputy Attorney General.

2. Respondent Gail Barrie Niles ("Respondent") is represented in this proceeding by attorney William H. Hair, whose address is 1000 Town Center Drive Sixth Floor, Oxnard, California 93036.

3. On or about March 3, 1970, the Board issued Physical Therapist License

1 No. PT 5239 to Respondent. The license was in full force and effect at all times relevant to the
2 charges brought in Accusation No. 1D 2005 64234 and will expire on March 31, 2007, unless
3 renewed.

4 JURISDICTION

5 4. Accusation No. 1D 2005 64234 was filed before the Board. The
6 Accusation and all other statutorily required documents were properly served on Respondent on
7 October 26, 2005. Respondent timely filed her Notice of Defense contesting the Accusation. A
8 First Amended Accusation No. 1D 2005 64234 was filed before the Board and is currently
9 pending against Respondent. The First Amended Accusation and all other statutorily required
10 documents were properly served on Respondent on September 12, 2006. A copy of First
11 Amended Accusation No. 1D 2005 64234 is attached as Exhibit A and is incorporated herein by
12 reference.

13 ADVISEMENT AND WAIVERS

14 5. Respondent has carefully read, fully discussed with counsel, and
15 understands the charges and allegations in Accusation No. 1D 2005 64234. Respondent has also
16 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
17 Settlement and Disciplinary Order.

18 6. Respondent is fully aware of her legal rights in this matter, including her
19 right to a hearing on the charges and allegations in the Accusation; her right to be represented by
20 counsel at her own expense; her right to confront and cross-examine the witnesses against her;
21 her right to present evidence and to testify on her own behalf; her right to the issuance of
22 subpoenas to compel the attendance of witnesses and the production of documents; her right to
23 reconsideration and court review of an adverse decision; and all other rights accorded to her by
24 the California Administrative Procedure Act and other applicable laws.

25 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
26 each and every right set forth above.

27 CULPABILITY

28 8. Respondent admits the truth of each and every charge and allegation in

1 First Amended Accusation No. 1D 2005 64234.

2 9. Respondent agrees that her Physical Therapist License is subject to
3 Public Reprimand and she agrees to be bound by the Board's imposition of discipline as set forth in
4 the Disciplinary Order below.

5 CIRCUMSTANCES IN MITIGATION

6 10. Respondent has never been the subject of any disciplinary action in
7 California. She is admitting responsibility at an early stage in the proceedings.

8 CONTINGENCY

9 11. This stipulation shall be subject to approval by the Board. Respondent
10 understands and agrees that counsel for Complainant and the staff of the Board, may
11 communicate directly with the Board regarding this stipulation and settlement, without notice to
12 or participation by Respondent. By signing the stipulation Respondent understands and agrees
13 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the
14 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
15 Order, the Stipulate Settlement and Disciplinary Order shall be of no force or effect, except for
16 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board
17 shall not be disqualified from further action by having considered this matter.

18 12. The parties understand and agree that facsimile copies of this Stipulated
19 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
20 force and effect as the originals.

21 13. In consideration of the foregoing admissions and stipulations, the parties
22 agree that the Board may, without further notice or formal proceeding, issue and enter the
23 following Disciplinary Order:

24 DISCIPLINARY ORDER

25 IT IS HEREBY ORDERED that Gail Barrie Niles, holder of Physical Therapist
26 License No. No. PT 5239, shall be publicly reprimanded by the Board for violating Business and
27 Professions Code ("Code") section 2660, subdivision (d), and section 2661 of the Code, and
28 California Code of Regulations, Title 16, section 1399.20, subdivision (a), in that she was

1 convicted of a crime substantially related to the qualifications, functions, or duties of a physical
2 therapist as set forth in First Amended Accusation No. 1D 2005 64234.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and
5 have fully discussed it with my attorney, William H. Hair. I understand the stipulation and the
6 effect it will have on my license. I enter into this Stipulated Settlement and Disciplinary Order
7 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
8 Board.

9 DATED: September 14, 2006 .

10 Original Signed By:
11 GAIL BARRIE NILES
12 Respondent

13 I have read and fully discussed with Respondent Gail Barrie Niles the terms and
14 conditions and other matters contained in the above Stipulated Settlement and Disciplinary
15 Order. I approve its form and content.

16 DATED: September 14, 2006 .

17 Original Signed By:
18 WILLIAM H. HAIR
19 Attorney for Respondent

20 ENDORSEMENT

21 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
22 submitted for consideration by the Board.

23 DATED: September 15, 2006 .

24 BILL LOCKYER, Attorney General
25 of the State of California

26 Original Signed By:
27 CHRIS LEONG
28 Deputy Attorney General

Attorneys for Complainant

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Public Repeval

Respondent's California Physical Therapist License No. PT 5239, is publicly reprovred under Business and Professions Code sections 2660, subdivision (d), and 2661 of the Code, and California Code of Regulations, Title 16, section 1320, subdivision 1399.20, subdivision (a), in that she was convicted of a crime substantially related to the qualifications, functions, or duties of a physical therapist. The circumstances are as follows: On or about March 9, 2005, in a criminal proceeding entitled people v. Gail Barrie Niles, in Superior Court, Ventura County, Case No. 2004048936, respondent was convicted by a plea of nolo contendere to the crime of driving under the influence of alcohol, a violation of Vehicle Code section 23152, subdivision (a), a misdemeanor. As a result of drinking a driving, respondent was involved in a traffic accident. The results of her breath tests indicated that her blood alcohol level was .12% and .11%.

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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2005 64234

GAIL BARRIE NILES

783 Azure Hills Drive
Simi Valley, California 93065

Physical Therapist License No. No. PT 5239

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 14, 2006.

It is so ORDERED November 14, 2006.

Original Signed By:
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
Nancy Krueger, PT, President